



PREPARING, CIRCULATING AND

FILING PETITIONS FOR PUBLIC OFFICE

(REGULARLY SCHEDULED ELECTIONS)

Michigan Department of State

Bureau of Elections

January, 2004

OBTAIN ASSISTANCE FIRST!

Persons interested in seeking a public office in Michigan should first contact the election official responsible for placing candidates for the office involved on the ballot. The election official will provide complete information on the applicable filing requirements and the qualifications candidates must meet to seek the office.

OFFICE	CONTACT
FEDERAL OR STATE OFFICE WHICH REPRESENTS A DISTRICT THAT EXTENDS BEYOND A SINGLE COUNTY	MICHIGAN DEPARTMENT OF STATE BUREAU OF ELECTIONS POST OFFICE BOX 20126 LANSING, MICHIGAN 48901-0726 PHONE: (517) 373-2540 FAX: (517) 241-4785
APPEALS COURT JUDGE	
CIRCUIT COURT JUDGE	
DISTRICT COURT JUDGE	
PROBATE DISTRICT JUDGE	
FEDERAL OR STATE OFFICE WHICH REPRESENTS A DISTRICT THAT DOES NOT EXTEND BEYOND A SINGLE COUNTY	COUNTY CLERK
PROBATE JUDGE	
COUNTY OFFICE	
DISTRICT LIBRARY BOARD	
CITY OFFICE	CITY CLERK
MUNICIPAL COURT JUDGE	
TOWNSHIP OFFICE	TOWNSHIP CLERK
VILLAGE OFFICE	VILLAGE CLERK
SCHOOL OFFICE	SECRETARY OF SCHOOL BOARD

FINANCIAL DISCLOSURE

State and local candidates are required to comply with the financial disclosure requirements provided under Michigan's Campaign Finance Act, P.A. 388 of 1976. A candidate who seeks a school board position in a school district with a pupil enrollment count of 2,400 or less is exempt from the Act's filing requirements if the candidate does not spend or receive in excess of \$1,000.00 for the election. For further information contact your local county clerk or the Michigan Department of State's Bureau of Elections in Lansing.

Candidates who seek a federal office should contact the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463 for information on their financial disclosure requirements. Toll free line: (800) 424-9530.

GENERAL FILING INFORMATION

Candidates with political party affiliation who seek a partisan office: A candidate affiliated with a political party who seeks a partisan office must file a partisan nominating petition which bears the requisite number of valid signatures. If the petition is sufficient, the candidate's name is placed on the primary ballot. The following exceptions apply:

- A candidate affiliated with a political party that will appear on the primary ballot who seeks the office of State Senator or State Representative or who seeks a county office may file a \$100.00 fee in lieu of a nominating petition.
- A candidate affiliated with a political party that will appear on the primary ballot who seeks the office of Lieutenant Governor, Attorney General, Secretary of State, State Board of Education, University of Michigan Regent, Michigan State University Trustee or Wayne State University Governor must receive nomination to the office at the party's state convention. A nominating petition cannot be filed. Candidates nominated for the above offices are placed on the general election ballot.
- A candidate affiliated with a political party that is qualified to appear on the general election ballot – but not on the primary ballot – must seek nomination at the convention or caucus held by the party to nominate the office involved. A nominating petition cannot be filed. Candidates nominated by the political party are placed on the general election ballot.
- A candidate affiliated with a political party who seeks the office of U.S. President must receive nomination to the office at the party's national convention. Candidates nominated to the office of U.S. President are placed on the general election ballot.

Candidates without political party affiliation who seek a partisan office: A candidate who is not affiliated with a political party who seeks a partisan office must file a qualifying petition which bears the requisite number of valid signatures. If the petition is sufficient, the candidate name is placed on the general election ballot.

Candidates who seek a non-partisan office: A candidate who seeks a non-partisan office must file a non-partisan nominating petition which bears the requisite number of valid signatures. Upon the filing official's determination that the petition is sufficient, the candidate's name is placed on the primary ballot if a primary is held for the office involved. If a primary is not held for the office involved, the candidate's name is placed on the general election ballot. The following exceptions apply:

- A judicial officer who is running for reelection to the office he or she holds may file an Affidavit of Candidacy in lieu of a nominating petition.
- A candidate who seeks the office of Supreme Court Justice must receive nomination at a party convention. As an alternative, an incumbent Supreme Court Justice who is running for reelection may file an Affidavit of Candidacy; a non-incumbent can file a qualifying petition. Candidates nominated to the office of Supreme Court Justice are placed on the general election ballot.
- A candidate who seeks a school board petition or an intermediate school board petition may file a \$100.00 fee in lieu of a nominating petition.
- A candidate who seeks a city, township or village library board position or a district library board petition may file a \$100.00 fee in lieu of a nominating petition.

PETITION FORMS

All petitions used by candidates must be in the form required under Michigan election law. Petition forms are available from election officials on the county and local levels. Upon request, the election official will provide a reasonable number of petition sheets at no charge. Petition forms may also be purchased from commercial suppliers that produce election materials.

The different types of petitions provided for candidates are described below. Candidates are advised to use the appropriate petition form. The use of an inappropriate petition form can affect the candidate's eligibility to appear on the ballot.

Countywide Partisan Nominating Petition: May be used by any candidate with party affiliation who seeks a partisan office. Exception: The form may not be used by a partisan candidate who seeks the office of County Commissioner.

City/Township Partisan Nominating Petition: May be used by any candidate with political party affiliation who seeks a partisan office. Must be used by a candidate with political party affiliation who seeks the office of County Commissioner.

Countywide Qualifying Petition: May be used by any candidate without political party affiliation who seeks a partisan office. Exceptions: The form may not be used by a candidate without political party affiliation who seeks the office of County Commissioner.

City/Township Qualifying Petition: May be used by any candidate without political party affiliation who seeks a partisan office. Must be used by a candidate without party affiliation who seeks the office of County Commissioner.

Countywide Non-Partisan Nominating Petition: May be used by any candidate who seeks a nonpartisan office. Exceptions: The form may not be used by a candidate who seeks a school board position, intermediate school board position, community college trustee position, library board position or a district library board position.

City/Township Non-Partisan Nominating Petition: May be used by any candidate who seeks a nonpartisan office. Exceptions: The form may not be used by any candidate who seeks a school board position, intermediate school board position or community college trustee position.

Village Partisan Nominating Petition: Use restricted to candidates who seek a partisan village office.

Village Qualifying Petition: Use restricted to candidates without political party affiliation who seek a partisan village office.

Village Non-Partisan Nominating Petition: Use restricted to candidates who seek a non-partisan village office.

School Nominating Petition: Use restricted to candidates who seek a school board position. Specially designed versions of the petition form are available for candidates who seek a position on an intermediate school board or a community college board of trustees.

PREPARATION OF PETITION SHEETS

All offices: The heading of each petition sheet must show the candidate's name, address, political party affiliation (if appropriate), the office sought, the district served by the office (if any) and any other required information.

Judicial offices: In addition to the above, petitions circulated for a judicial office must bear the appropriate designation listed below to indicate the office sought by the candidate:

- Regular Term - Incumbent Position
- Regular Term - Non-Incumbent Position
- Partial Term - Incumbent Position*
- Partial Term - Non-Incumbent Position*
- New Judgeship

* Add expiration date of term if more than one partial term will be filled in judicial district. The terms "vacancy," "partial term" and "unexpired term" are interchangeably used to reference a judicial position which will be filled at an election for less than the full term.

Obtaining information on appropriate office designations: Michigan election law stipulates that in instances where a candidate for Court of Appeals Judge, Circuit Court Judge, District Court Judge, Probate Court Judge or Probate District Court Judge seeks election in a district where there is a combination of “new” positions, “incumbent” positions and/or “nonincumbent” positions to fill, the candidate must apply to the Department of State’s Bureau of Elections for a “written statement of office designation to correspond to the judgeship sought by the candidate.”

Michigan election law further directs the Bureau of Elections to designate a judicial position as an “incumbent” position in any instance where 1.) there is an incumbent judge eligible to seek reelection to the position and 2.) the deadline for filing the Affidavit of Candidacy has not yet elapsed. If the incumbent judge does not file for reelection by the deadline for submitting an Affidavit of Candidacy, Michigan election law directs the Bureau of Elections to 1.) redesignate the position as a “nonincumbent” position and 2.) notify all candidates seeking election in the judicial district that a “nonincumbent” position exists. Michigan election law further stipulates that in such instances, 1.) nominating petition sheets circulated for the “nonincumbent” position subsequent to the Affidavit of Candidacy filing deadline “shall bear an office designation of nonincumbent position” and 2.) signatures collected prior to the Affidavit of Candidacy filing deadline “may be filed with the nonincumbent nominating petitions.” The Affidavit of Candidacy filing deadline elapses 134 days prior to the date of the August primary election.

PETITION CIRCULATION

The following provides general information on the procedures for circulating a petition for public office. For complete information on the standards used to judge the validity of petitions, contact the election official responsible for accepting petitions for the office involved.

- Before circulating a countywide petition sheet, the circulator must enter the county of circulation in the space provided at the top of the sheet. The signers of the sheet must reside within the listed county. No more than one county can be listed on a sheet.
- Before circulating a city/township, village or school petition sheet, the circulator must enter the county and the city, township or village of circulation in the space provided at the top of the sheet. The signers of the sheet must reside within the listed city, township or village. No more than one county and one city, township or village can be listed on a sheet. If listing a city or a township that shares a name with another city or township in the county, the circulator must indicate whether the jurisdiction listed is the “city” or the “township.”
- The circulator must complete and date the certificate at the bottom of the sheet after gathering the last signature he or she intends to collect on the sheet. Signatures on a petition sheet which are dated after the date on the circulator’s certificate are invalid.
- A petition sheet cannot be circulated by more than one person.

PETITION CIRCULATORS

Petition circulators must be registered to vote in Michigan. Circulators of petitions for local offices may be required to reside in the political jurisdiction of circulation; check state law and local regulations for requirements.

PETITION SIGNERS

Each petition signer must affix his or her name (cursive and printed); street address or rural route number; and Zip Code on the petition sheet. The signer must also list the month, day and year of signing on the petition sheet.

- The signers of a countywide petition must be registered voters of a city or township located within the county listed on the petition sheet and the district represented by the office involved. The signers must list the city or township in which they are registered. If listing a city or township that shares a name with another city or township in the county, the signer must indicate whether the jurisdiction listed is the “city” or the “township.” If the signer lives in a city that overlaps county lines, the circulator must make sure the signer affixes his or her signature on a petition sheet which lists the signer’s county of residence.
- The signers of a city/township, village or school petition must be registered voters of the city, township or village listed on the petition sheet and the district represented by the office involved. If the signer lives in a city, village or school district that overlaps county lines, the circulator must make sure that the signer affixes his or her signature on a petition sheet which lists the signer’s county of residence.
- While it is not necessary for petition signers to sign their name exactly as it appears on their voter registration record, petition signers should be urged to follow this practice. This will assist in the verification of the signer’s registration status if necessary.
- A person is not permitted to sign a petition on behalf of another person.
- All signatures on a petition sheet must be affixed in a face-to-face exchange with the petition circulator. A circulator is not permitted to leave a petition unattended.

ADDITIONAL SIGNATURE REQUIREMENTS

- The maximum number of signatures which may be submitted on a nominating petition to cover the minimum number of signatures required for the office involved is limited by law. Further information can be obtained by contacting the election official responsible for placing candidates for the office on the ballot.

- In addition to containing the requisite number of valid signatures, a nominating petition filed for the office of Governor or U.S. Senator must be signed by at least 100 registered electors in each of at least ½ of the congressional districts in the state.
- In addition to containing the requisite number of valid signatures, a qualifying petition filed for the office of U.S. President, U.S. Senator, Governor, Secretary of State, Attorney General, State Board of Education, University of Michigan Regent, Michigan State University Trustee, Wayne State University Governor or Supreme Court Justice must be signed by at least 100 registered electors in each of at least ½ of the congressional districts in the state.
- All signatures submitted on a qualifying petition must have been collected within the preceding 180 day period; signatures which are dated more than 180 days prior to the date the petition is filed are invalid.

THE FINAL CHECK BEFORE FILING

Before filing, carefully review the petition for errors and defects. You may find that additional signatures are needed!

- If a signature is invalid for any reason, strike the signature out.
- If the circulator did not complete the certificate, remove the sheet from the filing as the entire sheet is invalid.
- If you are filing more than one petition, make sure that sheets from one filing are not mixed in with another filing.
- If the petition sheets have detachable stubs with instructions or advertising, remove the stubs before filing the petitions.

MAKE SURE YOU KNOW WHERE AND WHEN TO FILE YOUR PETITION. LATE FILINGS ARE NOT ACCEPTED!

If you want a copy of your petition, copy it before you file. The filing official with whom you file may not have available staff or the equipment needed to make a copy of your petition for you.

ADDITIONAL FILING REQUIREMENTS

The election official with whom you file can supply you with any of the required affidavits referenced below upon request.

Affidavit of Identity: All candidates must submit an Affidavit of Identity in duplicate when filing for office. Candidates who fail to comply with the requirement are ineligible to appear on the ballot. Michigan election law requires any candidate filing an Affidavit of Identity to state on the form that at the date the affidavit was executed, “all statements, reports, late filing fees and fines required of the candidate or any candidate committee organized to support the candidate’s election under the Michigan Campaign Finance Act ... have been filed or paid.” Exception: The campaign finance compliance statement is not required of 1.) a U.S. Senate or a U.S. House candidate or 2.) a school board candidate who seeks a school board position in a district with a pupil count of 2,400 or less. (Exemption does not apply if candidate spends or receives over \$1,000 for the election.)

Affidavit of Constitutional Qualification: A candidate who files a petition for a judicial office must file an Affidavit of Constitutional Qualification (one copy) when filing for the office.

Presidential and gubernatorial candidates: A candidate without political party affiliation who files for the office of U.S. President or Governor is required to comply with special filing requirements related to his or her candidacy. For complete information, contact the Michigan Department of State’s Bureau of Elections in Lansing.

Post-Election Campaign Finance Compliance Statement: Michigan election law requires any candidate elected to office on the state, county or local level to file an affidavit prior to assuming office which states that at the date the affidavit was executed “all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate’s election under the Michigan Campaign Finance Act ... have been filed or paid.” The affidavit is not required of an elected candidate who 1.) is exempt from the filing requirements of Michigan’s Campaign Finance Act or 2.) did not receive or expend more than \$1,000.00 during the election cycle.

IMPORTANT

The information in this brochure is offered as a summary of the provisions which govern the preparation, circulation and filing of petitions for public office; it is not a complete interpretation of the governing laws. If any errors are found, it the law, itself, which must be followed. Questions may be addressed to:

Michigan Department of State
Bureau of Elections
Post Office Box 20126
Lansing, Michigan 48901-0726
Phone: (517) 373-2540
Fax: (517) 241-4785